



IN THE U.S. PATENT AND TRADEMARK OFFICE

March 20, 2007

Applicant(s): Shane KUIPERS, et al.  
For : GLASS PANEL ARRANGEMENT

Serial No. : 09/773 285                      Group: 3635  
Confirmation No.: 1964  
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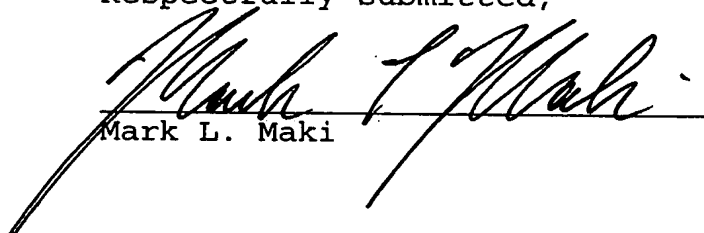
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Respectfully submitted,

  
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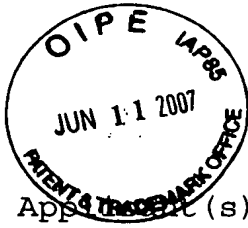
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APPELLANTS' BRIEF ON APPEAL UNDER 37 CFR §41.37

Sir:

This is an appeal from the decision of the Examiner dated August 15, 2006 finally rejecting Claims 1-3, 6-10, 13-18 and 25-28.

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I. REAL PARTY IN INTEREST

Haworth, Inc. is the assignee of the present application and the real party in interest for this appeal.

II. RELATED APPEALS AND INTERFERENCES

None.

III. STATUS OF CLAIMS

Claims 1-3, 6-10, 13-18 and 25-28 are pending and are the claims on appeal. Claims 4, 5 and 11 and 12 are indicated as allowable and Claims 19-24 are allowed such that the appeal need not address such claims. The status of the claims is as follows:

Claim 1 is rejected over Ackerly and Brooks.

Claims 2-3 are rejected over Ackerly, Brooks and Takagi.

Claims 4 and 5 are objected to but would be allowable if rewritten in independent form.

Claims 6 and 7 are rejected over Ackerly and Brooks.

Claims 8-10 are rejected over Ackerly, Brooks and Takagi.

Claims 11 and 12 are objected to but would be allowable if rewritten in independent form.

Claim 13 is rejected over Ackerly, Brooks and Takagi.

Claim 14 is rejected over Ackerly and Brooks and also rejected over Ackerly, Brooks and Takagi.

Claims 15-18 are rejected over Ackerly, Brooks and Takagi.

Claims 19-24 are allowed.

Claims 25-27 are rejected over Ackerly and Brooks.

Claim 28 is rejected over Ackerly, Brooks and Takagi.



IV. STATUS OF AMENDMENTS

All amendments entered. No amendments after the Final Office Action dated August 15, 2006 have been requested.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent Claim 1

Claim 1 is directed to an office furniture arrangement having an office furniture component 10 positionable in an office area (Lines 1-4 of Paragraph 31, lines 1-3 of Paragraph 32 and Figure 1), which includes a weight-bearing support structure 18 (lines 1-4 of Paragraph 33, and Figure 2) and a glass panel assembly 14 (lines 2-3 of Paragraph 30 and lines 1-8 of Paragraph 53, Figure 2) mounted to said support structure.

It is conventionally known to mount a sheet of glass in a frame therefore by the use of elastomeric edge gaskets (lines 6-10 of Paragraph 6).

The invention relates to an improved glass panel assembly 14 which comprises a sheet of glass 90 defined by a peripheral glass edge 92, 93 and opposite glass faces 95, 96 which define a thickness of said sheet of glass (all of Paragraphs 55 and 56, Figures 2, 10 and 15). The glass panel assembly further includes an edge frame 91 (line 3 of Paragraph 53, Figures 10 and 11) which is joined to the glass edge wherein the edge frame removably connects to the support structure 18 (by rails 98, 99) and carries the weight of the sheet of glass (all of Paragraphs 59 and 63, Figure 3). The edge frame 91 includes an elongate rigid edge rail 100, 101 (Paragraph 64) which rigidly supports the sheet of glass 90 along the glass edge.

The edge rail includes an elongate fixing channel 120 (Paragraph 66, Figure 14) which receives the glass edge wherein the fixing channel has opposite channel walls 127, 128 (Paragraph 70, Figure 14) which define a channel opening that is proximate to but is narrower than the glass thickness (Paragraphs 55 and 66). The channel walls are formed of a rigid wall material (Paragraph 78) which defines rigid opposing interior wall surfaces that are rigid and respectively contact said opposite glass faces (Paragraph 78), wherein at least one of the channel walls 128 is resiliently

deflectable so as to be deflected by insertion of said glass edge in said channel opening (Paragraph 75 Figure 16) wherein said glass edge is in tight-fitting compressive contact (Paragraph 77, Figure 16) to thereby join said sheet of glass to said edge rail.

This claimed arrangement defies convention which teaches the skilled artisan that elastomeric gaskets are required.

#### Independent Claim 2

Much of Claim 2 has a similar scope as to Claim 1 since Claim 2 was originally a dependent claim that was initially indicated as allowable and in reliance thereon, Claim 2 was rewritten in independent form. Allowance was subsequently withdrawn in the Office Action dated May 12, 2003, and Claim 2 has continuously been rejected since, in addition to Claim 1. During examination, subsequent amendments have been made to Claims 1 and 2 which causes some departure in the specific claim language but the main components of the two claims are quite similar such that the prior discussion of Claim 1 is applicable to Claim 2.

In summary of the comparable features of Claims 1 and 2, Claim 2 recites an office furniture component 10, a weight-bearing support structure 18, a glass panel assembly 14 removably mounted to the support structure and comprising a sheet of glass 90 defined by glass edges 92, 93 and an edge frame 91 joined to the sheet of glass wherein the edge frame removably connects to said support structure 18 (by rails 98, 99) and carries the weight of the sheet of glass. The edge frame has rigid edge rails 98, 99, 100, 101 which extend respectively along the glass edges and at least one of said edge rails 100, 101 includes an elongate fixing channel 120 (Paragraph 66, Figure 14) wherein said glass edge is received in compression within said respective fixing channel. The channel 120 includes opposite channel walls 127, 128 (Paragraph 70, Figure 14). The channel walls are formed of a rigid wall material (Paragraph 78) which said wall material

defines rigid opposing interior wall surfaces between which said respective glass edge is received (Paragraph 78), said rigid wall material permitting at least one of said channel walls to be resiliently deflectable upon insertion of said respective glass edge in said fixing channel (Paragraph 75 Figure 16).

As an additional feature, Claim 2 further recites that each said deflectable channel wall including an elongate rigid projection 137 (Paragraph 74, Figure 16) proximate a distal end thereof which defines one of said rigid interior wall surfaces wherein said projection contacts an opposing one of said glass faces substantially continuously along the length of said edge rail (Paragraph 74, Figure 17).

The rigid projection 136 is the primary additional feature of Claim 2, although there are some differences in the specific claim language.

#### Dependent Claim 3

Claim 3 depends from Claim 2 and further defines that said projection converges to a peak 137 (Paragraphs 73 and 74, Figure 16) which said peak is disposed in direct contact with said respective glass edge with the respective glass edge disposed in compression between the peak and an opposing interior surface of the other of said channel walls disposed directly opposite to said peak (Figure 16).

#### Dependent Claims 4 and 5

Objected to but allowable.

#### Independent Claim 6

Like Claim 2, much of Claim 6 has a similar scope as to Claim 1 since Claim 6 was originally a dependent claim that was initially indicated as allowable and in reliance thereon, Claim 6 was rewritten in independent form. Allowance was subsequently withdrawn in the Office Action dated May 12, 2003, and Claim 6 has continuously been rejected since, in

addition to Claim 1. During examination, subsequent amendments have been made to Claims 1 and 6 which causes some departure in the specific claim language but the main components of the two claims are quite similar such that the prior discussion of Claim 1 is applicable to Claim 6.

In summary of the comparable features of Claims 1 and 6, Claim 6 recites an office furniture component 10, a support structure 18, a glass panel assembly 14 attached to the support structure and comprising a sheet of glass 90 defined by glass edges 92, 93 and an edge frame 91 joined to the sheet of glass wherein the edge frame removably connects to said support structure 18 (by rails 98, 99) and carries the weight of the sheet of glass. The edge frame has edge rail sections 100, 101 which extend respectively along the glass edges and at least one of said edge rail sections 100, 101 includes an elongate fixing channel 120 (Paragraph 66, Figure 14) wherein the glass edge is received within said respective fixing channel 120. Each said fixing channel includes opposite channel walls 127, 128 (Paragraph 70, Figure 14).

The channel walls are formed of a rigid wall material (Paragraph 78) which said wall material defines rigid opposing interior wall surfaces between which said respective glass edge is received (Paragraphs 77 and 78, Figure 16)), said rigid wall material permitting at least one of said channel walls to be resiliently deflectable upon insertion of said respective glass edge in said fixing channel (Paragraph 75 Figure 16) such that said glass edge is in tight-fitting gripping contact (Paragraph 77) with said rigid interior wall surfaces to thereby fixedly join said sheet of glass to said edge rail.

As an additional feature, Claim 6 further recites that the deflectable channel wall 128 and other channel wall 127 are joined together by a side wall 121 (Paragraph 70) of said edge rail to define rigid corners of said edge rail with the edge rail having an undercut 135 (Paragraphs 73 and 76, Figure

16) proximate a juncture defined between said deflectable channel wall and said side wall proximate one of said corners.

Dependent Claim 7

Claim 7 depends from Claim 1, and defines the glass 90 as having a rectangular shape (Paragraph 54, Figure 10)) defined by opposite vertical edge sections 93, and opposite top and bottom horizontal edge sections 92 with each of said vertical edge sections 93 being supported along a vertical length thereof by one said fixing channel 120 (Paragraphs 64, 66).

Independent Claim 8

Claim 8 recites a space-dividing wall panel 10 (Paragraphs 31, 32, Figure 1) having a base frame 18 (Paragraph 33, Figure 2) that defines a periphery of said wall panel 10. A glass panel assembly 14 is also defined, similar to Claim 1.

As to the wall panel 10, the base frame 18 is defined by elongate frame members 21-24 (lines 4-8 of Paragraph 33, Figures 2 and 4) which are joined together to define an open interior region 19 (Paragraph 33).

The glass panel assembly 14 is supported on the base frame 18 to overlies said open interior region 19 while permitting viewing of said glass panel assembly from an exterior of said wall panel (Paragraph 53). The glass panel assembly 14 comprises a sheet of glass 90 and an edge frame 91 (Paragraph 53, Figures 10 and 11) comprising a plurality of edge rails 98, 99, 100, 101 (Paragraph 64) wherein the frame 91 removably mounts to the base frame. At least one of the edge rails 100, 101 includes an elongate fixing channel 120 (Paragraph 66, Figure 14) which opens toward said respective glass edge to tight-fittingly receive said respective glass edge therein. Each fixing channel 120 includes opposite channel walls 127, 128 (Paragraph 70, Figure 14) which have opposing rigid interior wall surfaces (Paragraph 78) which abut against said opposite glass faces (Paragraph 77). At

least one of the channel walls is deflectable upon insertion of said glass edge therein so that said glass edge is in gripping contact with said rigid interior wall surfaces (Paragraph 78).

The deflectable channel wall includes an elongate rigid projection 136 (Paragraph 74, Figure 16) proximate a distal end thereof which defines a respective one of said rigid interior wall surfaces wherein said deflectable channel wall is spaced from said glass face adjacent said projection (Paragraph 74, Figure 16) and is in continuous contact (Paragraph 79, Figure 17) with said opposing glass face through said projection 136 along its length.

Dependent Claim 9

Claim 9 depends from Claim 8, and further defines the projection as converging to a peak 137 (Paragraph 80) in continuous contact with said glass face.

Dependent Claim 10

Claim 10 depends from Claim 8, and defines the interior wall surfaces as defining substantially non-compressible hard surfaces (Paragraph 78).

Dependent Claims 11 and 12

Objected to, but allowable.

Dependent Claim 13

Claim 13 depends from Claim 8, and the rigid interior wall surface of the other of said channel walls as being flat so as to be in rigid face-to-face contact with said respective opposing glass face directly opposite to said projection (Figures 16 and 17).

Independent Claim 14

Claim 14 is similar in significant respects to Claim 8. In particular, Claim 14 recites a space-dividing wall panel 10

(Paragraphs 31, 32 and Figure 1) having a load-bearing panel frame 18 (Paragraph 33, Figure 2) that defines a periphery of said wall panel 10.

The wall panel 10 further includes a glass panel assembly 14 which comprises a sheet of glass 90 defined by parallel edge pairs 92, 93 (Paragraph 54, Figure 10) and an edge frame 91 (Paragraph 53, Figures 10 and 11) mounted to the panel frame by connector parts 104, 112 (Paragraphs 59 and 62, Figures 3 and 12). The edge frame 91 comprises a plurality of edge rails 98, 99, 100, 101 (Paragraph 64) wherein the edge frame 91 is joined to the glass to support the glass edges, and the connector parts 104, 112 connect the edge frame to the panel frame 18.

At least one of the edge pairs 92, 93 is supported within fixing channels 120 (Paragraph 66, Figure 14) defined within a corresponding pair of said edge rails 100, 101 wherein each said fixing channel 120 tight-fittingly receives said respective glass edge therein. Each fixing channel 120 includes opposite channel walls 127, 128 (Paragraph 70, Figure 14) having opposing rigid interior wall surfaces which are rigid and are normally spaced apart a distance less than a thickness of said glass (Paragraphs 55 and 66) wherein at least one of said channel walls deflects outwardly upon insertion of said respective glass edge within said respective fixing channel with said rigid interior wall surfaces being disposed in rigid contact with said glass faces (Paragraph 75 Figure 16).

#### Independent Claim 15

Much of Claim 15 has a similar scope as to Claim 14 since Claim 15 was originally a dependent claim that was initially indicated as allowable and in reliance thereon, Claim 15 was rewritten in independent form. Allowance was subsequently withdrawn in the Office Action dated May 12, 2003, and then Claim 15 was again allowed and then allowance withdrawn after the filing of the first Notice of Appeal dated August 5, 2005.



During examination, subsequent amendments have been made to Claims 14 and 15 which causes some departure in the specific claim language but the main components of the two claims are quite similar such that the prior discussion of Claim 14 is applicable to Claim 15.

In particular, Claim 15 recites a space-dividing wall panel 10 (Paragraphs 31, 32 and Figure 1) having a load-bearing base frame 18 (Paragraph 33, Figure 2) that defines a periphery of said wall panel 10.

The wall panel 10 further includes a glass panel assembly 14 which comprises a sheet of glass 90 defined by parallel edge pairs 92, 93 (Paragraph 54, Figure 10) and an edge frame 91 (Paragraph 53, Figures 10 and 11) mounted to the panel frame by connector parts 104, 112 (Paragraphs 59 and 62, Figures 3 and 12). The edge frame 91 comprises a plurality of edge rails 98, 99, 100, 101 (Paragraph 64) wherein the edge frame 91 is joined to the glass to support the glass edges, and the connector parts 104, 112 connect the edge frame to the panel frame 18.

At least one of the edge pairs 92, 93 is supported within fixing channels 120 (Paragraph 66, Figure 14) defined within a corresponding pair of said edge rails 100, 101 wherein each said fixing channel 120 tight-fittingly receives said respective glass edge therein. Each fixing channel 120 includes opposite channel walls 127, 128 (Paragraph 70, Figure 14) having opposing rigid interior wall surfaces which are rigid and are normally spaced apart a distance less than a thickness of said glass wherein at least one of said channel walls 128 (Paragraph 73) deflects outwardly upon insertion of said respective glass edge within said respective fixing channel 120 with said rigid interior wall surfaces being disposed in rigid contact with said glass faces.

Claim 15 further defines an elongate rigid projection 136 (Paragraph 73) along a length thereof which projects toward the respective glass face and spans the space therebetween (Paragraph 74, Figure 16) so as to rigidly contact said

opposing glass face with the glass edge being disposed in gripping contact (Paragraph 77) between the projection 136 and an opposing rigid interior wall surface 127 (Paragraph 77).

#### Independent Claim 16

Much of Claim 16 has a similar scope as to Claim 14 since Claim 16 was originally a dependent claim that was initially indicated as allowable and in reliance thereon, Claim 16 was rewritten in independent form. Allowance was subsequently withdrawn in the Office Action dated May 12, 2003, and then Claim 16 was again allowed and then allowance withdrawn after the filing of the first Notice of Appeal dated August 5, 2005. During examination, subsequent amendments have been made to Claims 14 and 16 which causes some departure in the specific claim language but the main components of the two claims are quite similar such that the prior discussion of Claim 14 is applicable to Claim 16.

In particular, Claim 16 recites a space-dividing wall panel 10 (Paragraphs 31, 32 and Figure 1) having a base frame 18 (Paragraph 33, Figure 2) that defines a periphery of said wall panel 10. The wall panel 10 further including a glass panel assembly 14 which is supported on said base frame by connector parts 104, 112 (Paragraphs 59 and 62, Figures 3 and 12).

The glass panel assembly 14 comprising a sheet of glass 90 defined by parallel edge pairs 92, 93 (Paragraph 54, Figure 10) and an edge frame 91 (Paragraph 53, Figures 10 and 11) comprising a plurality of edge rails 98, 99, 100, 101 (Paragraph 64) wherein the edge frame 91 is joined to the glass to support the glass edges.

At least one of the edge pairs 92, 93 is supported within fixing channels 120 (Paragraph 66, Figure 14) defined within a corresponding pair of said edge rails 100, 101 wherein each said fixing channel 120 tight-fittingly receives said respective glass edge therein. Each fixing channel 120 includes opposite channel walls 127, 128 (Paragraph 70, Figure

14) having opposing interior wall surfaces which are normally spaced apart a distance less than a thickness of said glass wherein at least one of said channel walls 128 (Paragraph 73) deflects outwardly upon insertion of said respective glass edge within said respective fixing channel 120.

Claim 16 further recites that each fixing channel 120 has an interior end face 129 (Paragraph 70, Figure 16) against which said glass edge 96 (Paragraph 56) abuts when disposed within the fixing channel, said channel end face including undercuts 135 (Figure 14) adjacent said deflectable channel wall 128 so that the other of said channel walls 127 extends away from said channel end face to a height which is less than a height of said deflectable channel wall 128.

Dependent Claim 17

Claim 17 depends from Claim 14 and defines that the glass 90 has a vertical height and the fixing channels 120 (of rails 100, 101) support said glass edges substantially along the entire vertical height of said glass (Figure 1).

Dependent Claim 18

Claim 18 depends from Claim 14 and defines the top and bottom edge rails being fixed to the panel frame by connector parts 104, 112 (Paragraphs 59 and 62, Figures 3 and 12).

Claims 19-24 are allowed.

Dependent Claim 25

Claim 25 depends from Claim 1 and defines that the support structure maintains the glass panel assembly in a fixed orientation (Figure 1).

Dependent Claim 26

Claim 26 depends from Claim 1 and defines that the edge rail is formed of extruded metal (Paragraph 0078).

Dependent Claim 27

Claim 27 depends from Claim 1 and defines that the support structure carries a weight of the glass panel assembly.

Dependent Claim 28

Claim 28 depends from Claim 2 and defines that one of the edge rails 100, 101 with fixing channel extends vertically.

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. Whether Claims 1, 6, 7, 14 and 25-27 are unpatentable as being obvious under 35 U.S.C. §103(a) over U.S. Patent No. 6 158 179 (Ackerly, et al.) in view of U.S. Patent No. 6 037 538 (Brooks).

2. Whether Claims 2-3, 8-10, 13-18 and 28 are unpatentable as being obvious under 35 U.S.C. §103(a) over the Ackerly '179 patent and the Brooks '538 patent, and further in view of U.S. Patent No. 6 314 691 (Takagi, et al.) and U.S. Patent No. 6 405 504 (Richardson).

## VII. ARGUMENT

The present application contains Claims 1-28.

As to allowable claims, Claims 19-24 are allowed, and Claims 4, 5, 11 and 12 are indicated as being allowable if rewritten in independent form.

As to claim rejections, Claims 1, 6, 7, 14 and 25-27 are rejected under Section 103 over Ackerly in view of Brooks, and Claims 2-3, 8-10, 13-18 and 28 are rejected under Section 103 over Ackerly, Brooks and Takagi. Of these rejected claims, Claims 1, 2, 6, 8, 14, 15 and 16 are independent claims, and are discussed individually herein.

### Summary of Examination

Generally as to the course of examination, the primary reference Ackerly and the secondary reference Brooks have been cited against the claims through multiple Office Actions. Initially, the rejections based on these references were formulated as Brooks in combination with Ackerly which Applicants argued at great length was an improper combination of references. Despite Applicants' filing of a first Notice of Appeal and the desire to subject this application to appellate review at that time, the rejections were reformulated after the Notice of Appeal wherein a new non-final Office Action was issued with the primary change being the mere reformulation of the references so that Ackerly is now the primary reference and Brooks became the secondary reference. Notwithstanding the citation of Richardson, which is only a tertiary reference, in the Office Action dated August 5, 2005, the August 5 Office Action merely constituted a reversal of Ackerly and Brooks. Whether Brooks is combined with Ackerly or Ackerly combined with Brooks, these two references are not believed to disclose Applicants' claimed invention.

Through the course of numerous Office Actions, many of the claims have been allowed more than once over Brooks and Ackerly and allowance was withdrawn, while a number of other claims were once allowed or found allowable, and allowance was

withdrawn for these claims. For example, Claim 8 was initially allowed, then rejected over Brooks and Ackerly, then allowed over Brooks and Ackerly, and then rejected over the reverse combination of Ackerly and Brooks, which latest combination was issued only after the filing of the first Notice of Appeal.

While thorough examination of an application is accepted and in fact appreciated, Applicants also believe the combination of Ackerly and Brooks as formulated in the Office Actions contains significant deficiencies. In regard to the combination of Ackerly and Brooks, Applicants do admit to a certain extent that these references are combinable, although Applicants have asserted that the combination of such references would only result in the structural arrangement illustrated in attached Exhibit 1 which was previously made of record during the course of examination, and again is submitted herewith for consideration on appeal. Hence, the essential issue on appeal is not whether Ackerly and Brooks might be combinable, but what is the proper result of such combination, wherein Applicants respectfully submit that when Ackerly and Brooks are properly considered in their entirety, such combination does not disclose, teach or suggest Applicants' claimed invention.

#### Summary of Invention

The present invention relates to an arrangement of office furniture comprising space-dividing wall panels. Such wall panels, as disclosed, have an interior panel frame to which multi-component glass panel assemblies are mounted. The glass panel assemblies comprise a sheet of glass with an edge rail arrangement supporting the glass edge, which edge rail arrangement comprises a rigid edge rail that has a fixing channel that receives the glass edge. The fixing channel is defined by channel walls wherein one of the rigid channel walls is deflectable by insertion of the glass so that the channel walls directly grip the sheet of glass without the necessity of adhesives, rubber sealing strips or other

conventional structures which are normally required between a glass frame and a sheet of glass.

The glass panel assembly as claimed, which has the edge rail fitted onto the sheet of glass and the glass panel mounted on an office furniture component, is unique and is not disclosed by the prior art. While the cooperation of the edge rail with the sheet of glass is the primary focus of the claims, the discussion of the prior art rejections is more fundamentally directed to the basic combination of references. Applicants respectfully submit that the base combination of Ackerly and Brooks is inherently defective.

#### Summary of Applied Prior Art

More particularly, Applicants have comprehensively reviewed the references and respectfully disagree with the combination of Ackerly and Brooks since it disregards the specific teachings of these references when properly considered in their entirety.

In particular, with respect to the combination of Ackerly and Brooks, this combination is believed fundamentally deficient if the disclosures of each of these references is given their proper weight in accord with legal precedent.

Applicants' claimed invention is discussed in further detail in the Detailed Discussion of Claims section. Generally, all of the independent claims define the unique arrangement of the edge rails that tight-fittingly engage the sheet of glass in tight-fitting contact. The edge rails essentially are rigid yet have a fixing channel defined by channel walls. One channel wall is sufficiently resiliently deflectable upon insertion of the respective glass edge so that the glass edge is in direct tight-fitting gripping contact with the channel walls. It is noted that these channel walls are formed of a rigid material which directly contacts the sheet of glass in an arrangement which defies normal convention for the mounting of sheets of glass wherein normal convention for such glass mounting requires the use of elastomeric gaskets. Notably, the claimed invention does not



require elastomeric gaskets but instead relies upon the rigid interconnection between the sheet of glass and a fixing channel. The channel walls are formed of a rigid material which permits at least one of the walls to be resiliently deflectable, yet provides rigid support to the sheet of glass as will be discussed in further detail individually with respect to the claims.

As to the prior art, Ackerly only discloses a conventional glass panel construction which uses channels with elastomeric gaskets or wipers and therefore conforms to conventional practice of using such a gasket. While Brooks is cited as teaching the elimination of an elastomeric gasket, it is noted that Brooks only discloses a raceway for supporting cabling which mounts to the top edge of an entire wall panel assembly. Brooks has nothing to do with an edge rail for a sheet of glass to form a glass panel assembly that mounts then to the frame structure of an office furniture component. Thus, it is Applicants' position that Brooks and Ackerly must be considered in their entirety as to what the entire disclosures of these references would teach to the skilled artisan, and that such references may not be considered solely with respect to isolated features while disregarding the remaining disclosures of these references.

The following discussion first discusses the general disclosures of the individual references, namely Ackerly, Brooks, Takagi and Richardson, and then more particularly it discusses the Office Action relative to these references which is believed to contain confusing statements as to the disclosure of Ackerly. Thereafter, a brief summary of the combination of Ackerly and Brooks is discussed without regard to the claims. Finally, the claims are discussed individually as to how such claims distinguish over these applied prior art patents.

#### Discussion of Ackerly '179 Patent

As to the Ackerly '179 patent, this discloses a wall system 40 having a conventional arrangement comprising

different types of partition panels 41, 42, 43 and 44 which are joined together in a conventional arrangement. These various panel systems each have a conventional combination of an internal supporting frame to which additional cover structures are mounted. In panels 41 and 42, the cover structures take the form of removable partition cover panels 54 that are solid and typically cannot be seen therethrough. These cover panels 54 mount to the internal frame 52.

The frame structure of Ackerly also has the ability to mount a window construction 50 to the internal frame 52 as can be seen in panel 41 of Figure 1. This window construction 50 is basically the first of two window constructions that are disclosed within Ackerly wherein these two different window assemblies have completely different constructions that should be considered separate from each other and the features thereof should not be intermixed. However, in the current rejections as presented in the Office Action dated August 15, 2006, it is believed that the two different window constructions and the structural features thereof are intermixed so as to create confusion in the Office Action.

More particularly, Column 6, Lines 47-55 of Ackerly define several different types of partitions embodied in the wall panel system which all seem to be different types of wall panel products. The first window construction 50 is mounted to the "internally open partition panel 41" as seen in Figure 1 wherein this partition panel 51 includes the base frame 52. Still further, there is an additional extendable partition-to-ceiling subframe 47 attached to the top of the structural expressway construction 46 which expressway construction 46 in turn appears to be supported on the base panel frame 52. The window construction 50 mounts to the subframe 47. It is noted that this window construction 50 has a relatively short vertical dimension and has a glass pane 164 and a "marginal structural frame" comprising top, bottom and side frame extrusions 165, 166 and 167.

As to the second type of window construction, the wall system 40 of Ackerly also includes the glass-supporting partition panel 43 which is different from partition panel 41. This glass-supporting partition panel 43 not only includes a window construction 50 on the top thereof, but also includes the second, completely different type of window construction, namely a bottom glass pane 293 that mounts to the frame 292 by a different type of glass mounting arrangement as compared to the window construction 50.

As to the substantive comments contained on Page 2 of the August 15, 2006 Office Action in support of the rejection of Claims 1, 6, 7, 14 and 25-27, it is believed that the continued reference to parts 305, 306, 309 and glass pane 293 is not believed applicable to the present claims since these parts relate solely to the second type of window construction.

In particular, Applicants note the two separate glass panel constructions disclosed in the Ackerly '179 patent. As to the first panel construction, this panel construction is window construction 50 which is mounted to the extendible partition-to-ceiling subframe 47. According to Column 12, Lines 56-60, this window construction 50 comprises the glass pane 164 and the "marginal structural frame" comprising top, bottom and side frame extrusions 165, 166 and 167, which window frame mounts to the wall panel frame. When preparing this Appeal Brief, it was believed proper that the Appeal Brief should focus mainly upon the window construction 50 and less on the distinctly different glass-supporting base partition panel 43 and the glass 293 and frame parts 305, 306 and 309 supported thereon.

More particularly, it is noted that the first window construction 50 is described in detail continuing from Column 13 of the description through Column 16, Line 5.

As for the second window type found in glass-supporting base partition panel 43, this structure is disclosed primarily beginning at Column 17, Line 27 through the upper portion of Column 18. It is noted that this glass-supporting base

partition panel 43 uses structure which is quite different from the first window construction 50 referenced above, as well as being quite different from Applicants' claimed invention, and thus the glass pane arrangement of panel 43 has little relevance to the current rejections and current claims.

In particular, the second window type of the glass-supporting base partition panel 43 discloses a bottom glass pane 293 that fits into open-faced grooves and is fixed to frame 292 by L-shaped glass captors 305, as well as other L-shaped glass captors which are disclosed in further detail in related U.S. Patent No. 6 141 925 (copy attached as evidence of patentability) which is specifically directed to this bottom frame construction. In that these L-shaped glass captors 305 only snap to the bottom panel frame of the partition panel 43 and trap the glass pane 293 against the face of the perimeter window frame 292, this arrangement is believed to clearly distinguish from Applicants' claimed invention which uses an edge rail having a fixing channel with opposite channel walls that directly contact opposite glass faces of the glass pane in Applicants' claimed invention.

Further, these glass captors 305 and the associated perimeter window frame 292 distinctly differs in construction from the first window construction 50 referenced above, wherein intermixing the discussion of these two window constructions in the August 15, 2006 Office Action is believed to confuse the issues for appeal. The undersigned respectfully suggests that it would clarify issues by disregarding the citations to reference numerals 305, 306 and 309 in this latest Office Action since such structures are not comparable to the structures of the window construction 50, and clearly do not relate to Applicants' claimed invention since only single-sided glass captors such as captors 305 are used on the bottom glass pane 293.

Secondarily, the August 15, 2006 Office Action includes the statement "Hence, the support/connector part (43, 47) is then supported on the connector/support (43, 47) by the lower

edge, at least, of the upper glass panel (164)." Which statement is not understood. In particular, it is not understood how the same part can be supported by itself and it is also noted that the sentence references upper glass "panel 164 which is not itself a panel in the sense of a wall panel, but is only a glass "pane". Applicants do acknowledge that the extendible partition-to-ceiling subframe 47 mounts to the glass-supporting partition panel 43 through the structural wireway construction 46 mounted to the top of the partition panel 43.

It is believed that these distinctions between the two different glass frame constructions in the Ackerly '179 patent were distinctly different and this appeal could be simplified by focusing solely upon the disclosure of window construction 50.

This point was made in a Request for Reconsideration in order to simplify issues for appeal. As a point of clarification, the response to Applicants' request (in the Advisory Action dated December 19, 2006) included the statement:

"The Applicants' general argument is that the element (43) uses a structure that is different from that of element (50) and therefore has little relevance with reference to the rejections as noted in the Final Office Action dated 08/15/06. ACKERLY et al. column 17, lines 27-column 18, line 2, clearly details that the element (43) is 'not unlike' (column 17, lines 37-41) the assembly of element (50). 'Not unlike' is interpreted as being 'like' or as 'is like'. Thus, it remains that the assemblies (43) and (50) are equivalent and the element (293) can be used when referencing element (43)."

This statement is believed fundamentally deficient and incorrect. The cited disclosure of the Ackerly '179 patent in Column 17, Lines 37-41 clearly discloses that window construction 50 and the glass pane mounting arrangement for glass pane 293 are completely different constructions and the skilled artisan would readily appreciate that these have two

different constructions such that the comparison of these two window constructions is like comparing apples with oranges. As to the specific phrase "not unlike", this phrase is taken from the entire statement which is as follows:

"The top extrusion 294 for partition panel 43 includes a flat panel 296 attached by screws 297 to side extrusions 295, in an assembly not unlike the attachment of top frame extrusion 165 to side frame extrusion 167 and window construction 50."

This phrase "not unlike" is specifically referencing the attachment of one extrusion 294 to the side extrusions 295 by the screws 297. Thus, the phrase "not unlike" only references how one extrusion is screwed to another extrusion and has no reference and no application or suggestion to how the glass panes are supported. The simple fact remains that the glass pane 164 in window construction 50 is mounted completely differently when compared to the glass pane 293 that is supported in open-faced grooves that are closed by the various glass captors described above.

Hence, Applicants again reiterate that the mounting of the glass pane 293 by glass captors is totally different from window construction 50 and also from Applicants' claimed invention such that the continued reference to the bottom glass pane 293 and the various glass captors is only believed to confuse issues for this appeal.

In summary, Ackerly is only believed to disclose two specific window constructions that are mountable to underlying wall panel frame, wherein the bottom glass pane 293 and associated glass captors are believed to be so different from Applicants' claimed invention such that further discussion thereof is not believed to be required. Hence, the following discussion primarily focuses upon the window construction 50 and the distinct differences of this window construction 50 relative to the Brooks patent as well as the tertiary references, namely Richardson and Takagi.

Discussion of Brooks '538 Patent

As to Brooks, this reference is cited solely for the geometry of the channel thereof wherein the latest rejection includes a statement that "Brooks teaches that it is known in the art to provide opposite walls (52) of a channel such that the opening formed between the walls is narrower than the thickness of the member (16) being inserted therein." However, this completely disregards the vast majority of the entire reference and how the teachings of Brooks would in fact be applied to Ackerly.

More particularly, the Brooks '538 patent is directed to a "cable raceway" that provides for removably securing communication cables to the upper portion of work station divider panels. Notably, Brooks discloses an elongate channel 20 that is positioned to ride atop the various dividers 16 wherein the raceway 20 is made up of an H-shaped channel 21. The raceway 20 has an upward opening channel to receive cabling and has downwardly extending channel walls 51 that define clamping legs 52 that engage the upper portion or upper edge of the wall panel 16. Notably, this raceway channel 21 is not an edge rail associated with a sheet of glass, and does not form any part of an edge frame rail for such a sheet of glass. While a general shape is cited from Brooks, notably Applicants respectfully submit that Brooks does not provide any disclosure, teaching or suggestion of eliminating gaskets or wipers from the conventional glass panel assemblies found in Ackerly.

Discussion of Takagi '691 Patent

The Takagi '691 patent is directed to an inspection opening frame that fits into an inspection opening. The frame defines an inner channel and an outer channel wherein the outer channel allows for mounting of the frame to the edge of an inspection opening defined in an enclosure. The inner channel is then configured to receive a lid for closing the inspection opening.

It is noted that the outer channel receives the edge of the enclosure opening, while the inner channel receives the edge of the opening lid 4. While Figure 1 seems to suggest that the components are slid sidewardly one into the other, it is noted in Columns 3 and 4 of Takagi that the frame 3 is first formed by joining the ends of the frame components 10 by the L-shaped coupling members 20 at the respective corners. Since the frame 3 is pre-assembled, this requires that the frame be capable of being slid in the facing direction into the pre-existing opening of the enclosure 1 and that the lid 4 in turn is inserted therein in the facing direction.

Figure 4 illustrates how the side walls of the frame for the outer channel are hinged and swingable open for engagement of the frame into the enclosure opening and then the channel side walls 7 are snapped closed. Additionally, the additional channel walls 8 of the inner channel are also swingable so as to open the channel and allow the lid 4 to be inserted in place after which the channel walls 8 are then snapped shut.

Notably, Takagi does not disclose sliding a sheet of glass in tight-compressive engagement sidewardly into an open side of the channel.

#### Discussion of Richardson '504 Patent

As to Richardson, Richardson is used for the isolated feature thereof of forming "peaked projections". However, Richardson only discloses a snap connector arrangement cover strips and apparently is only cited for the general shape of the feature without regard to the remainder of the disclosure thereof.

#### Discussion of Ackerly/Brooks Combination

With respect to the combinations of these references, the fundamental defect is in the combination of Ackerly and Brooks, and it is Applicants' position that Ackerly and Brooks do not disclose the basic combination, and that Takagi and Richardson do not cure the deficiencies thereof.

A proper evaluation of these references requires an evaluation of the combined teachings of these references which



necessarily requires an evaluation of the teachings of these references in their entirety.

In this regard, it is noted that the Merck case below states:

The prior art "must be read, not in isolation, but for what it fairly teaches in combination with the prior art as a whole."

In re Merck & Co., Inc., 231 USPQ 375, 380 (CCPA 1986)

Applicants submit, therefore, that it is necessary to analyze the entirety of each reference and not just isolated parts, and then consider these references, not in isolation from other references, but in combination therewith. This necessarily requires an evaluation of the teachings of each reference and it is impossible to properly perform a Section 103 analysis without such an evaluation of the references. In this regard, appellate court precedent also has stated that:

"The ever present question in cases within the ambit of 35 U.S.C. 103 is whether the subject matter as a whole would have been obvious to one of ordinary skill in the art following the *teachings* of the prior art at the time the invention was made."

In re Wesslau, 147 USPQ 391, 393 (CCPA 1965)

Importantly, this precedent admonishes that:

"It is impermissible...to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggest to one of ordinary skill in the art."

Id.

Accordingly, precedent including the Merck and Wesslau cases requires an evaluation of all parts of a reference to give a full appreciation of what this reference teaches. This is the very point which Applicants have made during examination and continue to make. Ackerly and Brooks must both be analyzed as to all of the parts of these references and what these parts in their entirety teach the skilled artisan. Applicants therefore have addressed the individual

references because these teachings from a reference are necessary to fully understand the entire reference and avoid an impermissible focus on isolated features without regard to the remaining teachings of a reference.

When properly viewing the references, Ackerly and Brooks at best teach the provision of the Ackerly wall panel 43 with the Brooks raceway 20 on the top edge thereof.

More particularly, as to the specific combination of Ackerly and Brooks, it is believed that this basic combination is deficient. Generally, it is noted that the top and bottom edge frame members 165 and 166 do disclose channels therein but require the respective wipers or gaskets 192 and wipers 172 and 173. In this regard, the top frame extrusion 165 includes the recess 199 for receiving the upper edge of the glass pane 164 while the bottom extrusion 166 includes opposing flanges 169 and 170 that define a recess in which the bottom edge of the glass pane 164 is received. First, it is noted that there is absolutely no direct contact between the rigid walls of these top and bottom extrusions 165 and 166 which define the recesses.

Applicants' position is that Claim 1 as well as the other claims do not encompass indirect contact between the channel walls and the glass through some intermediate wiper. Rather, it is noted, for example, that Claim 1 specifically defines the channel walls as having "rigid" opposing interior wall surfaces that are rigid and respectively contact the opposite glass faces. Claim 1 clearly defines the glass edge is in tight-fitting compressive contact by the "rigid opposing interior wall surfaces" which preclude the possibility of a flexible intermediate gasket. Thus, the existence of wipers in both types of window constructions of the Ackerly patent is a critical distinction which should not be disregarded since such are necessary for supporting the glass thereof.

Furthermore, these wipers are believed to be important for assembly of the window construction 50 of Ackerly which discloses in Column 13, Line 57 through Column 14, Line 3 that

assembly is accomplished by inserting the upper end of the glass pane into the recess 189 which is deep enough to allow the upper edge of the glass pane 164 to be inserted "too far" into the recess 189 so that it allows the lower edge of the glass pane 164 to be positioned above and then lowered into the glass-retaining recess in the bottom extrusion 166. This necessarily prevents the side walls of these recesses from being too narrow which would prevent the glass pane 164 from being inserted at an angle relative to the recess and then swung inwardly into vertical alignment with the lower recess. Thus, the wipers are believed to be required to provide a flexible surface and additional clearance space on both sides of glass pane 164 that allows this assembly process.

However, the combination of Ackerly and Brooks as presented in the Office Action requires elimination of the wipers and thereby results in a complete change to the structure and function of the frame extrusions 165 and 166 as disclosed in Ackerly. In effect, this combination is deficient since elimination of the wipers which elimination is inherent in the combination of Ackerly and Brooks changes the principle of operation of Ackerly structure which uses a pre-assembled rigid frame and a glass pane in construction 50 which is inserted into the frame after the fact which thereby teaches away from the combination of references in accord with MPEP Section 2143.01 (VI). This MPEP Section sets forth that the proposed modification cannot change the principal of operation.

Clearly, Ackerly does not disclose any direct contact between any channel side walls and the pane of glass and in fact requires the various wipers for stabilizing the glass pane 164 and centering same. These wipers further permit the assembly process to even be performed.

As to the second window construction for glass pane 293, this does not even have an edge rail separate from the frame with a fixing channel therein. Still further, the pane 293

still needs to be captured between the wipers 312 and 313 seen in Figure 30 in accord with standard practices.

Also, the combination of Ackerly and Brooks as asserted in the latest Office Action requires complete disregard of the vast majority of the disclosure of Brooks. Essentially it seems that the only disclosure of Brooks being considered is the bare statements in Column 4, Lines 22-28 as to the channel 21 having clamping legs 52 which deflect and clampingly engage the wall divider 16, although even the recitation that this raceway channel 21 mounts to the "wall divider 16" must also be disregarded so as to formulate the rejection. Other than these approximately seven to eight lines of disclosure, it seems that the remaining disclosure and drawings of the Brooks '538 patent are disregarded so as to formulate the rejection.

If the entirety of Brooks were considered, a combination of Brooks and Ackerly would only result in mounting of a raceway channel to the terminal top edge of a wall panel, and would not provide any motivation or suggestion of reconstructing a substantially smaller frame rail for a sheet of glass. Thus, the rejection fails to consider the teachings of the references as a whole and only impermissibly selects an isolated portion of Brooks.

In Applicants' May 5, 2004 Response, it was acknowledged that Ackerly and Brooks at best disclose the addition of a raceway to the top edge of a wall panel. A copy of Exhibit 1 from this May 5 response is again submitted herewith. However, these references in combination teach nothing more as to modifying an existing glass panel frame to construct Applicants' claimed invention. The only teaching for the claimed invention can only come from the impermissible use of hindsight.

It is noted that the claimed invention provides distinct advantages over the prior art and specifically the prior art glass panel systems which use an elastomer gasket therein. The claimed invention, however, provides an edge frame for the glass which uses rigid edge rails with at least one of the

channel walls of the edge rail being resiliently deflectable to permit appropriate insertion of the glass edge in the channel opening while eliminating the requirement of separate elastomer gaskets. The specific structure of these channel rails as defined by the various claims is believed to be unique over the prior art and provides a unique combination of a glass panel assembly mounted to an office furniture system.

As to the claims, independent Claims 1, 2, 6, 8, 14, 15, and 16 are now rejected over the base combination of Ackerly in view of Brooks with some additional references being cited relative to specific features some of these claims. The rejections are discussed as follows.

1. Whether Claims 1, 6, 7, 14 and 25-27 are unpatentable as being obvious under 35 U.S.C. §103(a) over U.S. Patent No. 6 158 179 (Ackerly, et al.) in view of U.S. Patent No. 6 037 538 (Brooks)

#### Claim 1

Claim 1 defines the basic combination of 1) an office furniture component with a support structure and 2) a glass panel assembly having an edge frame and a sheet of glass wherein the sheet of glass is carried by the edge frame to define the glass panel assembly and the edge frame in turn is mounted to the support structure. The edge frame includes a rigid edge rail that supports the sheet of glass along the glass edge. The edge rail has the fixing channel wherein the channel walls are formed of a rigid material and define rigid opposing interior wall surfaces. The glass edge is in tight-fitting compressive contact with these rigid wall surfaces wherein the glass edge is received within the fixing channel to thereby join the sheet of glass to the edge frame.

Ackerly and Brooks do not disclose this combination. First as to Ackerly, the Office Action intermixes reference numerals to two different glass panels as discussed above. As seen in Figures 1, 27 and 31, the top glass panel has structures 164, 166, 169, 170, OT. As seen in Figures 1 and

31, the bottom glass panel has structures, 293, 305, 306. These are two different glass panels.

For either glass panel, it seems that each depends upon part 321 as allegedly being "a support/connector part panel structure" for either the top panel or the bottom panel.

As to the bottom glass panel of Ackerly, the I-beam section 321 actually forms one half of the channel in which the glass 293 is received. The other half of the channel 306 is part of an "L-shaped glass captor 305" which snaps into the I-beam 321. Hence, the bottom glass panel does not have an edge panel with an edge rail with channel walls wherein the edge frame then mounts to the support structure. Thus, the bottom glass panel of Ackerly seems to clearly distinguish from Claim 1, and further discussion thereof is not required.

As to the top glass panel construction 50, this glass panel has an oversized channel with side walls spaced outwardly of the glass wherein "wipers" 172 and 173 are provided in contact with the glass, intermediate the glass and channel walls. These wipers are believed conventional elastomeric gaskets and in support, wipers 234 are referenced as "biasing" the glass pane wherein biasing conventionally refers to resilient biasing like in an elastomer. Notably, the lower glass panel of Ackerly also requires such wipers.

Claim 1, however, defines the glass edge as being in tight-fitting compressive contact with the rigid opposing interior wall surfaces of the deflectable channel wall and the other channel wall. Claim 1 defines contact between the rigid wall surface and the glass face.

Ackerly, however, does not have rigid contact of a frame with the glass and in fact, requires the wipers to contact the glass. As discussed above, these wipers and the clearance space between the side walls of the channel are believed required in Ackerly since Column 13, line 65 through Column 14, line 3 disclose that assembly is accomplished by sliding the glass 164 upwardly into the recess 189 and then slid back downwardly. This shifting assembly of Ackerly would be

prevented by the claimed rigid face to face contact defined in Claim 1.

Brooks does not cure the deficiencies of Ackerly since it only relates to a cable raceway provided only for the top of a completed wall panel and if Ackerly and Brooks were combined, the resultant structure is illustrated in Exhibit 1.

The cable raceway of Brooks is completely unrelated to glass panels. It is noted that Ackerly merely conforms to conventional, well-accepted practice of providing elastomeric gaskets for mounting of a sheet of glass, and that there is no disclosure whatsoever in Ackerly of defying convention. Further, Brooks in that it does not relate to mounting of glass panels, also provides no disclosure, teaching or suggestion of defying convention with respect to the mounting of a glass panel. The mere fact that a channel might have resiliently deflectable legs, does not make such a modification obvious to the Ackerly channels which already are acceptable for their intended purpose, and have specific structures provided that eliminates any need or motivation to provide resiliently deflectable walls even if such were suggested by Brooks.

Further the assembly process for assembling the sheet of glass into the frame of the window construction 50 such that actual clearance space and the use of elastomeric wipers is believed to be required to permit insertion of the sheet of glass into the window frame based on the specific teachings of Ackerly. Thus, Brooks provides no teaching or suggestion of eliminating the wipers of Ackerly and then reshaping and resizing the Ackerly channel to provide tight fitting, rigid face to face contact. This constitutes a complete reconstruction of Ackerly for which there is no motivation (per MPEP Section 2143.01 (VI)), and the existence of a cable raceway in Brooks does not provide any teaching or motivation of such reconstruction in Ackerly.

As such, Claim 1 is believed allowable.

Claim 6

As to independent Claim 6, Claim 6 is rejected over Ackerly and Brooks. Claim 6 is similar to Claim 1 wherein Claim 6 defines the fixing channel as having opposite channel walls formed of a rigid wall material that defines rigid opposing interior wall surfaces between which the respective glass edge is received. For the same reasons as discussed above with respect to Claim 1, the basic combination of Ackerly and Brooks is believed deficient and for such reasons, Claim 6 would be allowable.

Further, Claim 6 in the last line thereof defines the edge rail as having an undercut formed proximate a juncture defined between the deflectable channel wall and the side wall of the edge rail. This further facilitates the resiliency of the resilient channel wall. While Brooks does disclose an undercut therein, Brooks still does not disclose eliminating the gaskets or wipers of Ackerly and thereafter making any of the non-deflectable walls of the frame rail of Ackerly so as to be deflectable. As such, since Ackerly only uses non-deflectable walls against the face of the glass, there would be no need or motivation to provide an undercut therein.

For these reasons, Claim 6 is believed allowable.

Claim 7

As to Claim 7, this dependent claim depends from Claim 1 and defines the glass as having a rectangular shape defined by opposite vertical edge sections wherein each is supported along a vertical length thereof by one said fixing channel. It is noted that the window construction 50 vertically does not have any channels in which the glass edge is received. Rather, the vertical edges of the glass pane 164 as seen in Figure 20B are only covered by glass captors 216 that are mounted in place once the sheet of glass 164 is mounted to the frame rails 165. These glass captors 216 therefore are more similar to trim pieces. Notably, there is no motivation to have the edges of the sheet of glass 164 mounted in tight-fitting compressive contact with the frame rails 167 such that



the construction of Claim 7 completely differs from Ackerly and would require a complete reconstruction of the window configuration 50.

Further, Brooks only deals with horizontally extending raceways and there is no motivation therein of taking a horizontally mounted raceway that fits onto the top edge of a wall panel and totally reconstructing the vertical frame rails of a window frame. Thus, Ackerly and Brooks do not disclose Claim 7.

Claim 14

Claim 14 is of a similar scope as to Claim 1 with the significant difference thereof being that Claim 14 specifically defines a space-dividing wall panel having a panel frame with the glass panel assembly mounted thereto. Claim 14 is believed allowable since the combination of Ackerly and Brooks is believed deficient as discussed above.

Claim 25

This claim is believed allowable upon the allowance of Claim 1.

Claim 26

This claim is believed allowable upon the allowance of Claim 1.

Claim 27

This claim is believed allowable upon the allowance of Claim 1.

2. Whether Claims 2-3, 8-10, 13-18 and 28 are unpatentable as being obvious under 35 U.S.C. §103(a) over the Ackerly '179 patent and the Brooks '538 patent, and further in view of U.S. Patent No. 6 314 691 (Takagi, et al.) and U.S. Patent No. 6 405 504 (Richardson).

Claim 2

Claim 2 is believed allowable for the reasons discussed above as to Claim 1.

In particular, Claim 2 also defines the channel walls being formed of a rigid wall material which defines rigid opposing interior wall surfaces between which the respective

glass edge is received, wherein the rigid wall material permits at least one of the channel walls to be resiliently deflectable upon insertion of the respective glass edge in the fixing channel such that the glass edge is in tight-fitting gripping contact with the rigid interior wall surfaces of the deflectable channel wall and other channel wall. This fundamental arrangement of Claim 2, like Claim 1, is not believed to be disclosed, taught or suggested by Ackerly in view of Brooks since neither reference discloses elimination of elastomeric gaskets or wipers from the Ackerly frame construction. Further, the bottom glass panel assembly uses the L-shaped captors and does not disclose the same frame construction as that defined in Claim 2.

Still further, Claim 2 also defines the additional feature of the deflectable channel wall including an elongate rigid projection proximate a distal end thereof which defines one of the rigid interior wall surfaces wherein the projection contacts an opposing one of the glass faces substantially continuously along the length of the edge rail. This feature is not disclosed by Brooks or Ackerly and as such, Takagi was cited as supplying this missing feature.

However, this claim still requires that the rigid projection be in direct contact with the glass face. While Takagi might show a rib, such still does not disclose eliminating the elastomeric gaskets of Ackerly, since Ackerly does conform to conventional practice of providing gaskets and also requires the clearance space and resiliency of the gaskets to permit insertion of the sheet of glass in accord with the Ackerly disclosure. Still further, Claim 2 defines that the channel walls are resiliently deflectable upon insertion of the respective glass edge in the fixing channel, which insertion still must be permitted even in the presence of the projection. Notably, Takagi does not disclose this structural arrangement, since it does require the use of hinged side walls for the insertion of the lid member 4 therein.

As such, it is believed that the provision of the projection in rigid direct contact with the glass face is not an obvious improvement over the disclosure of Ackerly when considered in its totality.

Claim 3

Claim 3 depends from Claim 2 and further defines the projection as converging to a peak which is disposed in direct contact with the respective glass edge, wherein the glass edge is disposed in compression between the peak and the imposing interior surface of the other of the channel walls. While Richardson is cited as disclosing a peak, peak-shaped objects are known but the mere existence does not make such a modification to Ackerly or Takagi obvious. There is no disclosure, teaching or suggestion in Richardson of modifying Takagi so as to provide a peak on the various projections 14 and 18. Thus, the mere possibility that a projection might be peaked does not make this obvious in the absence of the teaching in Richardson or Takagi of providing such a construction.

Further, providing a peaked projection in a cable raceway of Brooks is not believed to be desirable since such would provide point contact with the face of the wall panel 16 and since such panels 16 have a finished aesthetic appearance and typically are fabric-covered, such a peaked projection could mar the surface of the wall panels 16 and hence a peaked projection would be an undesirable shape. Further, in that Ackerly requires the use of a gasket, there is no disclosure of providing a rigid peaked projection in direct contact with the glass thereof.

For these reasons, Claim 3 is believed allowable.

Claim 8

Independent Claim 8 is rejected over Ackerly, Brooks and Takagi. Claim 8 is similar to Claim 1 wherein Claim 8 defines the channel walls of the edge rail as having opposing rigid interior wall surfaces that abut against the opposite glass faces with one of the channel walls being deflectable upon

insertion of the glass edge therein. In that the basic combination of Ackerly and Brooks is deficient with respect to this construction, Claim 8 is believed allowable for this reason alone.

Further, Claim 8 defines the deflectable channel wall as including an elongate rigid projection which defines one of the rigid interior wall surfaces. The deflectable channel wall is defined as being spaced from the glass face adjacent the projection with the deflectable channel wall being in continuous contact with the glass face through the projection. As discussed above relative to Claim 2, there is no disclosure in Takagi of eliminating the gaskets and wipers and hence, none of Ackerly, Brooks and Takagi when considered alone or in combination, discloses a rigid projection in direct contact with the glass face of a deflectable channel wall. For these reasons, Claim 8 is believed allowable.

Claim 9

Claim 9 defines that the projection converges to a peak and is believed to further distinguish from the prior art as discussed above relative to Claim 3.

Claim 10

This claim further defines that the rigid interior wall surfaces define substantially non-compressible hard surfaces. This is believed to further distinguish over the prior art, and in particular, Ackerly which uses compressible wipers.

Claim 13

Claim 13 defines that the other of the rigid interior wall surfaces is flat so as to be in rigid face-to-face contact with the respective opposing glass face directly opposite to the projection. It is noted that this thus results in one glass face being in contact with the projection and the other being in facing contact with a flat surface. It is noted that Takagi only discloses projections on both sides of the enclosure or lid and it is also noted that the projections 14 are offset relative to the projections 18 such that there is no facing contact of these projections directly

opposite to each other. This is believed to be provided in Takagi so that the edge of the channel wall 7 may be gripped and snapped open where necessary such that this offset would not be changed. Hence, even if Takagi was combined with Ackerly, the resultant structure would still differ from Claim 13.

As such, Claim 13 is also believed allowable.

Claim 15

Claim 15 also specifically defines a wall panel arrangement with a glass panel assembly mounted to a base frame. This claim also defines a rigid projection that projects from a deflectable channel wall towards the glass face and spans the space therebetween with the glass edge disposed in gripping contact between the projection and the other rigid interior wall surface. For the same reasons discussed above as to Claim 1, the basic combination of Ackerly and Brooks is believed deficient. Further, it is not believed obvious to provide projections as discussed above relative to Takagi and the prior discussion of this reference relative to Claim 2.

Claim 16

Claim 16 also defines a similar combination as to Claim 15. Further, this defines the fixing channel as having an interior end face against which the glass edge abuts when disposed within the fixing channel. Further, the channel end face includes undercuts adjacent the deflectable channel wall so that the other of the channel walls extends away from the channel end face to a height which is less than the height of the deflectable channel wall.

First, this Claim 16 is distinguishable since Brooks and Ackerly do not disclose the elimination of wipers and the rigid contact of the channel walls with the glass faces as previously discussed. Further, this claim defines that the glass edge abuts against the interior end face of the fixing channel. Notably, Ackerly does not disclose the glass pane 164 as being in contact with either of the top or bottom

channels as illustrated in Figures 21 and 22 of Ackerly, particularly since the clearance space therebetween is required to permit insertion of the glass pane 164 into the frame structures 165 and 166. As such, even if a raceway is fitted downwardly onto the top edge of the wall panel 16, there is still no motivation to eliminate the clearance space of Figures 21 and 22 of Ackerly which is maintained by the support block 171 (Figures 21A and 31).

Still further, the undercuts are defined in Claim 16 as being adjacent the deflectable channel wall so that the overall height of the deflectable channel wall is greater than the opposite channel wall. This height differential of the channel walls is not disclosed in Brooks which only discloses two undercuts adjacent each of the channel walls in Figure 13. Hence, Claim 16 defines a distinctly different arrangement from that disclosed in Ackerly and Brooks.

Claim 17

Claim 17 defines the combination of Claim 14 with the fixing channel supporting the glass edges along the entire vertical height of the glass. As discussed above relative to Claim 7, there is no disclosure in Ackerly or Brooks of providing such a feature.

Claim 18

Claim 18 defines the edge frame as having the edge rails at the top and bottom of the glass as being fixed to the panel frame by connector parts. This claim is believed allowable upon the allowance of Claim 14.

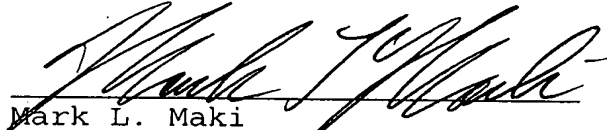
Claim 28

This claim defines that one of the edge rails with the fixing channel extends vertically. This feature is not disclosed by the applied prior art as discussed above relative to Claim 7.

Based upon the foregoing, all of the pending claims are believed allowable. In that the base combination of Ackerly and Brooks is defective, Brooks and Ackerly at best teaches only that illustrated in Exhibit 1 attached hereto. When such

references are fully considered, it is believed that all of these pending claims are believed allowable, and further and favorable consideration of this application is respectfully requested.

Respectfully submitted

  
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VIII. CLAIMS APPENDIX

1. (Previously presented) In an office furniture arrangement having an office furniture component which is positionable in an office area, said office furniture component including a weight-bearing support structure positionable in the office area and a glass panel assembly mounted to said support structure wherein said support structure orients said glass panel assembly relative to a floor of said office area and permits viewing of said glass panel assembly from an exterior of said office furniture component, comprising the improvement wherein said glass panel assembly comprises a sheet of glass defined by a peripheral glass edge and opposite glass faces extending between said glass edge which said glass faces define a thickness of said sheet of glass, said glass panel assembly further including an edge frame which is joined to said peripheral glass edge wherein said edge frame removably connects to said support structure and said edge frame carries the weight of the sheet of glass, said edge frame including an elongate rigid edge rail which extends along said glass edge and rigidly supports said sheet of glass along said glass edge, said edge rail including an elongate fixing channel which extends parallel to and opens toward said glass edge wherein said glass edge is received within said fixing channel, said fixing channel including opposite channel walls which are spaced apart to define a channel opening that is proximate to but is narrower than said thickness of said glass, said channel walls extending generally parallel to said opposite glass faces and being formed of a rigid wall material which defines rigid opposing interior wall surfaces that are rigid and respectively contact said opposite glass faces of said sheet of glass, at least one of said channel walls being resiliently deflectable so as to be deflected by insertion of said glass edge in said channel opening wherein said glass edge is in tight-fitting compressive contact by the rigid opposing interior wall surfaces of said deflectable channel wall and



the other of said channel walls to thereby join said sheet of glass to said edge rail.

2. (Previously presented) In an office furniture arrangement having an office furniture component which is positionable in an office area, said office furniture component including a weight-bearing support structure positionable within the office area and a glass panel assembly removably mounted to said support structure wherein said support structure orients said glass panel assembly relative to a floor and permits viewing of said glass panel assembly from said office area, comprising the improvement wherein said glass panel assembly comprises a sheet of glass defined by glass edges and opposite glass faces extending between said glass edges which said glass edges define a thickness of said sheet of glass, said glass panel assembly further including an edge frame which is joined to said sheet of glass wherein said edge frame removably connects to said support structure and said edge frame carries the weight of the sheet of glass, said edge frame having rigid edge rails which extend respectively along said glass edges, at least one of said edge rails including an elongate fixing channel which extends parallel to and has an open side that opens toward said respective glass edge wherein said glass edge is received in compression within said respective fixing channel, each said fixing channel including opposite channel walls which are spaced apart to define said open side and which extend generally parallel to said opposite glass faces of said sheet of glass, said channel walls being formed of a rigid wall material which said wall material defines rigid opposing interior wall surfaces between which said respective glass edge is received, said rigid wall material permitting at least one of said channel walls to be resiliently deflectable upon insertion of said respective glass edge in said fixing channel such that said glass edge is in tight-fitting gripping contact with said rigid interior wall surfaces of said deflectable channel wall and the other

of said channel walls to thereby join said sheet of glass to said edge rail, each said deflectable channel wall including an elongate rigid projection proximate a distal end thereof which defines one of said rigid interior wall surfaces wherein said projection contacts an opposing one of said glass faces substantially continuously along the length of said edge rail.

3. (Previously presented) The office furniture arrangement according to Claim 2, wherein said projection converges to a peak which said peak is disposed in direct contact with said respective glass edge, said respective glass edge being disposed in compression between said peak of said deflectable channel wall and an opposing interior surface of the other of said channel walls disposed directly opposite to said peak.

4. (Original) The office furniture arrangement according to Claim 3, wherein at least one of said edge rails is coated with a coating material.

5. (Original) The office furniture arrangement according to Claim 4, wherein said coating is a shearable material which is removable by said glass edge upon insertion of said glass edge into said respective fixing channel such that said coating conforms to a shape of said glass.

6. (Previously presented) In an office furniture arrangement having an office furniture component which is positionable in an office area, said office furniture component including a support structure positionable within the office area and a glass panel assembly attached to said support structure wherein said support structure permits viewing of said glass panel from said office area, comprising the improvement wherein said glass panel assembly comprises a sheet of glass defined by glass edges and opposite faces extending between said glass edges, said glass panel assembly

further including an edge frame which is joined to said sheet of glass wherein said edge frame removably connects to said support structure and said edge frame carries the weight of the sheet of glass, said edge frame having edge rail sections which extend respectively along said glass edges, at least one of said edge rail sections including an elongate fixing channel which extends parallel to and opens toward said respective glass edge wherein said glass edge is received within said respective fixing channel, each said fixing channel including opposite channel walls which are spaced apart and extend generally parallel to said opposite glass faces, said channel walls being formed of a rigid wall material which said wall material defines rigid opposing interior wall surfaces between which said respective glass edge is received, said rigid wall material permitting at least one of said channel walls to be resiliently deflectable upon insertion of said respective glass edge in said fixing channel such that said glass edge is in tight-fitting gripping contact with said rigid interior wall surfaces of said deflectable channel wall and the other of said channel walls to thereby fixedly join said sheet of glass to said edge rail, said deflectable channel wall and said other channel wall being joined together by a side wall of said edge rail to define rigid corners of said edge rail, said edge rail having an undercut formed in said edge rail proximate a juncture defined between said deflectable channel wall and said side wall proximate one of said corners.

7. (Previously presented) The office furniture arrangement according to Claim 1, wherein said glass has a rectangular shape defined by opposite vertical edge sections, and opposite top and bottom horizontal edge sections each of said vertical edge sections being supported along a vertical length thereof by one said fixing channel.

8. (Previously presented) In a space-dividing wall panel having a base frame that defines a periphery of said wall panel, said base frame being defined by elongate frame members which are joined together to define an open interior region between said frame members, said wall panel further including a glass panel assembly which is supported on said base frame to overlie said open interior region while permitting viewing of said glass panel assembly from an exterior of said wall panel, comprising the improvement wherein said glass panel assembly comprises a sheet of glass having glass edges extending about the periphery thereof and opposite faces extending between said glass edges, said glass panel assembly further including an edge frame comprising a plurality of edge rails which said edge frame is joined to said glass to support said glass edges and removably mounts to said base frame to support said sheet of glass on said base frame, at least one of said edge rails including an elongate fixing channel which extends parallel to a respective one of said glass edges and opens toward said respective glass edge to tight-fittingly receive said respective glass edge therein, each said fixing channel including opposite channel walls which are spaced apart and extend generally parallel to said opposite glass faces wherein said channel walls have opposing rigid interior wall surfaces which abut against said opposite glass faces, at least one of said channel walls being deflectable upon insertion of said glass edge therein so that said glass edge is in gripping contact with said rigid interior wall surfaces, said deflectable channel wall including an elongate rigid projection proximate a distal end thereof which defines a respective one of said rigid interior wall surfaces wherein said deflectable channel wall is spaced from said glass face adjacent said projection and is in continuous contact with said opposing glass face through said projection along the length of said projection.

9. (Previously presented) The wall panel according to Claim 8, wherein said projection converges to a peak which is in continuous contact with said glass face, said respective glass edge being disposed in compression between said peak of said deflectable channel wall and the rigid interior wall surface of the other of said channel walls.

10. (Previously presented) The wall panel according to Claim 8, wherein said rigid interior wall surfaces define substantially non-compressible hard surfaces.

11. (Previously presented) The wall panel according to Claim 10, wherein at least one of said channel walls comprises a coating thereon which said coating defines said respective rigid interior wall surface.

12. (Original) The wall panel according to Claim 11, wherein said coating is a shearable material which is shearable by said glass edge upon insertion of said glass edge into said respective fixing channel such that said coating conforms to a shape of said glass face.

13. (Previously presented) The wall panel according to Claim 8, wherein said rigid interior wall surface of the other of said channel walls is flat so as to be in rigid face-to-face contact with said respective opposing glass face directly opposite to said projection.

14. (Previously presented) In a space-dividing wall panel having a load-bearing panel frame that defines a periphery of said wall panel, said wall panel further including a glass panel assembly which includes an edge frame and a sheet of glass wherein said edge frame is mounted to said panel frame by connector parts, comprising the improvement wherein said glass panel assembly comprises said sheet of glass having glass edges extending about the

periphery thereof and opposite faces extending between said glass edges, said glass edges being arranged in substantially parallel edge pairs disposed on opposite sides of said glass, said glass panel assembly further including said edge frame comprising a plurality of edge rails wherein said edge frame is joined to said glass to support said glass edges and said connector parts connect said edge frame to said panel frame to support said glass on said panel frame, said glass edges of at least one of said edge pairs being supported within fixing channels defined within a corresponding pair of said edge rails, each said fixing channel extending parallel to a respective one of said glass edges and opening toward said respective glass edge to tight-fittingly receive said respective glass edge therein, each said fixing channel including opposite channel walls which are spaced apart and extend generally parallel to said opposite glass faces, said channel walls having opposing rigid interior wall surfaces which are rigid and are normally spaced apart a distance less than a thickness of said glass wherein at least one of said channel walls deflects outwardly upon insertion of said respective glass edge within said respective fixing channel with said rigid interior wall surfaces being disposed in rigid contact with said glass faces.

15. (Previously presented) In a space-dividing wall panel having a base frame that defines a periphery of said wall panel, said wall panel further including a glass panel assembly having a sheet of glass and an edge frame joined to said sheet of glass, said edge frame being supported on said base frame by connector parts wherein said base frame vertically supports a weight of said glass panel assembly, comprising the improvement wherein said glass panel assembly comprises said sheet of glass having glass edges extending about the periphery thereof and opposite faces extending between said glass edges, said glass edges being arranged in substantially parallel edge pairs disposed on opposite sides

of said glass, said glass panel further including said edge frame comprising a plurality of edge rails joined together which said edge frame is joined to said glass to support said glass edges and includes said connector parts to support said sheet of glass on said base frame, said glass edges of at least one of said edge pairs being supported within fixing channels defined within a corresponding pair of said edge rails, each said fixing channel extending parallel to a respective one of said glass edges and opening toward said respective glass edge to tight-fittingly receive said respective glass edge therein, each said fixing channel including opposite channel walls which are spaced apart and extend generally parallel to said opposite glass faces, said channel walls having opposing rigid interior wall surfaces which are normally spaced apart a distance less than a thickness of said glass wherein at least one of said channel walls deflects outwardly upon insertion of said respective glass edge within said respective fixing channel with said rigid interior wall surfaces being disposed in rigid contact with said glass faces, said deflectable channel wall being spaced outwardly of said opposing glass face and including an elongate rigid projection along a length thereof which projects toward said respective glass face and spans said space therebetween so as to rigidly contact said opposing glass face, said glass edge being disposed in gripping contact between said projection and an opposing one of said rigid interior wall surfaces.

16. (Previously presented) In a space-dividing wall panel having a base frame that defines a periphery of said wall panel, said wall panel further including a glass panel assembly which is supported on said base frame by connector parts, comprising the improvement wherein said glass panel assembly comprises a sheet of glass having glass edges extending about the periphery thereof and opposite faces extending between said glass edges, said glass edges being

arranged in substantially parallel edge pairs disposed on opposite sides of said glass, said glass panel assembly further including an edge frame comprising a plurality of edge rails joined together which said edge frame is joined to said glass to support said glass edges, said glass edges of at least one of said edge pairs being supported within fixing channels defined within a corresponding pair of said edge rails, each said fixing channel extending parallel to a respective one of said glass edges and opening toward said respective glass edge to tight-fittingly receive said respective glass edge therein, each said fixing channel including opposite channel walls which are spaced apart and extend generally parallel to said opposite glass faces, said channel walls having opposing interior wall surfaces which are normally spaced apart a distance less than a thickness of said glass wherein at least one of said channel walls deflects outwardly upon insertion of said respective glass edge within said respective fixing channel, each said fixing channel having an interior end face against which said glass edge abuts when disposed within said fixing channel, said channel end face including undercuts adjacent said deflectable channel wall so that the other of said channel walls extends away from said channel end face to a height which is less than a height of said deflectable channel wall.

17. (Original) The wall panel according to Claim 14, wherein said glass has a vertical height and said fixing channels support said glass edges substantially along the entire vertical height of said glass.

18. (Original) The wall panel according to Claim 14, wherein said edge frame includes said edge rails at a bottom and a top of said glass wherein said bottom and top edge rails are fixed to said panel frame by connector parts.



19. (Previously presented) In an office furniture arrangement having an office furniture component which is positionable in an office area to separate adjacent work areas, said office furniture component including a glass panel supported thereon, comprising the improvement wherein said glass panel comprises a sheet of glass having glass edges extending about the periphery thereof and opposite faces extending between said glass edges, said glass panel further including an edge frame comprising a plurality of edge rails which said edge frame is joined to said glass to support said glass edges, at least one of said edge rails including an elongate fixing channel which extends parallel to a respective one of said glass edges and opens toward said respective glass edge to tight-fittingly receive said respective glass edge therein, each said fixing channel including opposite channel walls which are spaced apart and extend generally parallel to said opposite glass faces wherein said channel walls have opposing interior wall surfaces which face toward and abut against both of said opposite glass faces, at least one of said interior wall surfaces further including a coating thereon which is shearable by said glass edge upon insertion of said glass edge into said respective fixing channel such that said coating conforms to a shape of said glass face and said channel walls are in gripping contact with said glass edge.

20. (Original) The office furniture arrangement according to Claim 19, wherein said coating is a powder coating.

21. (Original) The office furniture arrangement according to Claim 20, wherein said edge rails are defined by extruded metal to define said fixing channel.

22. (Original) The office furniture arrangement according to Claim 19, wherein at least one of said channel

walls is resiliently deflectable and is in a deflected position when said glass edge is received within said fixing channel.

23. (Previously presented) The office furniture arrangement according to Claim 22, wherein said glass has opposite vertical side edge sections, said glass edges of said side edge sections being received within said fixing channels of said edge rails wherein said edge rails extend vertically.

24. (Previously presented) In an office furniture arrangement having an office furniture component which is positionable in an office area, said office furniture component including a glass panel supported thereon, comprising the improvement wherein said glass panel comprises a sheet of glass having a glass edge extending about the periphery thereof and opposite faces extending between said glass edge, said glass panel further including an edge rail which said edge rail is joined to said glass to support said glass edge, said edge rail including an elongate fixing channel which extends parallel to said glass edge and opens toward said glass edge to tight-fittingly receive said glass edge therein, each said fixing channel including opposite channel walls which are spaced apart and extend generally parallel to said opposite glass faces wherein said channel walls have opposing interior wall surfaces which abut against said opposite glass faces, at least one of said interior wall surfaces further including a powder coating thereon which is shearable by said glass edge upon insertion of said glass edge into said respective fixing channel such that said coating conforms to a shape of said glass face and said glass edge is in gripping contact with said channel walls.

25. (Previously presented) The office furniture arrangement according to Claim 1, wherein said support

structure maintains the glass panel assembly in a fixed orientation.

26. (Previously presented) The office furniture arrangement according to Claim 1, wherein said edge rail is formed of extruded metal.

27. (Previously presented) The office furniture arrangement according to Claim 1, wherein said support structure carries a weight of said glass panel assembly.

28. (Previously presented) The office furniture arrangement according to Claim 2, wherein said one of said edge rails with said fixing channel extends along a respective one of said glass edges which extends vertically.

IX. EVIDENCE APPENDIX

Exhibit 1 to Response to Office Action dated May 5, 2004

Copy of U.S. Patent No. 6 141 925 (Halvorson, Jr., et al.)

# EXHIBIT 1

